



## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

January 11, 2006

NYDEGGER & ASSOCIATES  
348 OLIVE STREET  
SAN DIEGO, CA 92103  
US

Dear Sir/Madam,

Your refund request for 10646486 in the amount of \$330.00 has been denied .

This money was charged from your account because it was needed to perfect the case. Because of the statemen on the transmittal they will use that as authorization whenever the application needs to be charged. See insert.

Sincerely,

ELEANOR KURTZ  
Technical Center Others  
703 308-9010 x177



NEIL K. NYDEGGER

email@nydegger.com

## NYDEGGER & ASSOCIATES

ATTORNEYS AT LAW

348 OLIVE STREET  
SAN DIEGO, CALIFORNIA 92103

*Handwritten signature/initials*

PATENT

TELEPHONE  
(619) 688-1300  
FACSIMILE  
(619) 688-1322

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Eric Ryba	)
Serial No:	10/646,486	) Art Unit
Filed:	August 22, 2003	) 3739
For:	RESHAPEABLE TIP FOR A CRYOPROBE	)
Examiner:	Roseland Stacie Rollins	)
Customer No:	23862	)
Attorney Docket:	11350.23	)

**RECEIVED**  
NOV 18 2005  
OFFICE OF PETITIONS

37 CFR §1.26  
(general)

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

I. On September 16, 2005, the undersigned submitted a Petition For Extension Of Time in the subject application under 37 C.F.R. §1.136(a) and paid the fee of \$120.00. It appears that on September 28, 2005, the USPTO made an unwarranted and unauthorized withdrawal from Deposit Account No. 14-1519, with the withdrawal being for the purpose of submitting the Petition For Extension Of Time.

2005 10 16 PM 0:37

**II. REQUEST FOR REFUND**

This initial request is within two months of the date the fee was paid in this application. The fee in question has the following particulars:

Date Posted:	September 28, 2005
Control No.:	2
Fee Code:	1252
Serial No.:	10/646,486
Charge:	\$330.00

**III. FEES PAID FOR WHICH REFUND IS REQUESTED**

<u>Fee Description</u>	<u>Amount of Refund Requested</u>
Petition For Extension of Time	\$330.00

TOTAL REFUND REQUESTED \$330.00

**IV. MANNER OF REFUND**

Please make refund by crediting Deposit Account No. 14-1519.

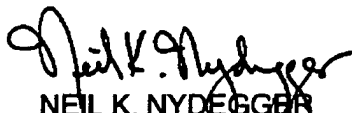
**V. CONCLUDING REMARKS**

Applicant submits the added fee was the result of a mistake on the part of the

USPTO. In light of the foregoing, Applicant requests immediate attention to this matter and a timely refund. Copies of the the Petition For Extension Of Time, check no. 017526, Certificate of Mailing under 37 C.F.R. § 1.8, and the postcard stamped by OIPE are enclosed.

Should there be any questions remaining, please call the undersigned at 619-688-1300.

Respectfully submitted,

  
NEIL K. NYDEGGER  
Attorney for Applicant  
Registration No. 30,202

NYDEGGER & ASSOCIATES  
348 Olive Street  
San Diego, California 92103  
Telephone: (619) 688-1300  
Facsimile: (619) 688-1322

CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on this 9<sup>th</sup> day of November, 2005.

  
MEGAN N. KELLY  
Legal Document Assistant

Hon. Commissioner for Patents  
Page 4

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Transmitted: 37 CFR §1.26 (general), Copies of the the Petition For Extension Of Time,  
Check No. 017526, Certificate of Mailing under 37 C.F.R. § 1.8, and the postcard stamped  
by OIPE

Docket: 11350.23



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
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www.uspto.gov

MONTHLY STATEMENT  
OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and  
return top portion with your check. Make check  
payable to Director of Patents & Trademarks.

NYDEGGER & ASSOCIATES  
TARYL ANDERSON  
348 OLIVE STREET  
SAN DIEGO CA 92103

FINA

Account No.
141519
Date
9-30-05
Page
1

PLEASE SEND REMITTANCES TO:  
U. S. Patent and Trademark Office  
P.O. Box 70541  
Chicago, IL 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
9	28	05	2	10646486	11350.23	1252 ↓ ext. fees	330.00	1585.50
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT					OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
					1915.50	330.00	0.00	1585.50



NEIL K. NYDEGGER

email@nydegger.com

## NYDEGGER & ASSOCIATES

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SAN DIEGO, CALIFORNIA 92103

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For:	RESHAPEABLE TIP FOR A CRYOPROBE	)	3739
Examiner:	Roseland Stacie Rollins	)	
Customer No:	23862	)	
Attorney Docket:	11350.23	)	

### PETITION FOR EXTENSION OF TIME

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
NOV 18 2005  
OFFICE OF PETITIONS

Sir:

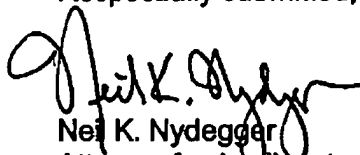
Pursuant to 37 C.F.R. §1.136(a), it is respectfully requested that the shortened statutory period which was set for responding to the Office Action dated April 20, 2005, with a response date of July 20, 2000, be extended for two (2) months until September, 2005.

Check No. 17526 in the amount of \$120.00 is enclosed herewith for payment of the fee associated with this Petition, as set forth in 37 C.F.R. § 1.17. The Commissioner

is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Petition to Deposit Account No. 14-1519. Triplicate copies of this sheet are enclosed.

DATED this 16<sup>th</sup> day of September, 2005.

Respectfully submitted,



Neil K. Nydegger  
Attorney for Applicant  
Registration No. 30,202

NYDEGGER & ASSOCIATES  
348 Olive Street  
San Diego, California 92103  
Telephone: (619) 688-1300

CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16<sup>th</sup> day of September, 2005.



JENNY L. STEDMAN  
Legal Document Assistant

NYDEGGER & ASSOCIATES  
348 Olive Street  
San Diego, California 92103  
Telephone: (619) 688-1300

Docket: 11350.23



U.S. Patent & Trademark Offices U.S. PATEN00020  
VENDOR: NYDEGGER AND ASSOCIATES SAN DIEGO, CA 92103

CHECK NO. 017526

5040-00-00-00 11350-23

120.00 Costs advanced for Petition for Extension of

Time; Applicant: Ryba; Serial No: 10/646,486; Filed: August 22, 2003; For: RESHAPEABLE TIP  
FOR A CRYOPROBE; Docket: 11350.23

NYDEGGER AND ASSOCIATES  
GENERAL ACCOUNT

619-688-1300  
348 Olive Str.  
San Diego, CA 92103

UNION BANK OF CALIFORNIA  
4660 La Jolla Village Dr. Ste. 175  
San Diego, CA 92122

16-49  
1220

No. 017526

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Docket No. 11350.23

Serial/Patent No. 10/646,486

The date stamp of the Patent & Trademark Office  
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- ☐ New Application
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Docket No. 11350.23

Serial/Patent No. 10/646,486

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Index Date 10-16-05  
Index Date \_\_\_\_\_  
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